

## Message Text

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ACTION EA-10

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FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 6065

INFO AMCONSUL MELBOURNE

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CINCPAC

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CINCPAC FOR POLAD

E.O. 11652: N/A

TAGS: PFOR, AS

SUBJECT: DEATH OF LABOR SENATOR WEAKENS GOVERNMENT POSITION

1. SENATOR BERTIE RICHARD MILLINER, (LABOR, QUEENSLAND) DIED JUNE 30, APPARENTLY OF A HEART CONDITION. HIS DEATH REDUCES THE LABOR GOVERNMENT'S POSITION IN THE FEDERAL SENATE TO 27 SEATS, COMPARED TO 30 FOR THE LIBERAL-COUNTRY PARTIES, WITH TWO INDEPENDENTS (SENATORS STEELE HALL AND CLEAVER BUNTON). EFFECT IN THE SHORT RUN IS TO WEAKEN THE LABOR GOVERNMENT'S POSITION IN THE SENATE SLIGHTLY, ALTHOUGH THE LIBERAL-COUNTRY OPPOSITION HAS HELD A BLOCKING POSITION IN THAT CHAMBER ON MOST ISSUES FOR THE PAST TWO AND ONE-HALF YEARS, EVEN BEFORE SENATOR MILLINER'S DEATH.

2. UNDER THE AUSTRALIAN CONSTITUTION, THE REPLACEMENT OF A SENATOR WHO DIES OR RESIGNS IS MADE BY THE GOVERNMENT OF THE STATE HE REPRESENTED, WITH THE APPOINTMENT TO LAST UNTIL THE NEXT SCHEDULED SENATE ELECTIONS. AT THIS POINT THE NEXT SENATE ELECTIONS MUST BE HELD PRIOR TO JUNE 30, 1976, BUT COULD BE HELD AT ANY TIME, WHENEVER PRIME MINISTER CHOOSES.

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3. THE AUSTRALIAN CONVENTION HAS BEEN THAT A SENATOR WHO DIES

OR RESIGNS IS REPLACED BY A FIGURE FROM THE SAME PARTY, USUALLY THE NEXT MAN ON THE PARTY'S SENATORIAL LIST. IF THE CONVENTION IS OBSERVED, THIS WOULD MEAN THAT MILLINER'S REPLACEMENT WOULD BE DR. MALCOLM COLSTON. HOWEVER, THE CONVENTION WAS BROKEN BY THE LIBERAL-COUNTRY GOVERNMENT IN NEW SOUTH WALES IN FEBRUARY, 1975, WHEN LABOR SENATOR MURPHY RESIGNED AND WAS REPLACED BY AN INDEPENDENT SENATOR. THERE IS NO LEGAL OBLIGATION FOR A STATE GOVERNMENT TO APPOINT A REPLACEMENT FROM THE SAME PARTY. PREMIER BJELKE-PETERSEN, COUNTRY PARTY PREMIER IN QUEENSLAND, IS AN OUTSPOKEN OPPONENT OF THE FEDERAL LABOR GOVERNMENT AND MIGHT BE TEMPTED TO NAME A LIBERAL OR COUNTRY PARTY FIGURE TO STRENGTHEN OPPOSITION CONTROL OF THE SENATE. THERE IS PRESS SPECULATION THAT HE MIGHT HONOR THE CONVENTION IN PART BY APPOINTING THOMAS J. BURNS, LABOR OPPOSITION LEADER IN THE QUEENSLAND PARLIAMENT. BURNS HAS BEEN THE MOST EFFECTIVE OPPOSITION LEADER BJELKE-PETERSEN HAS FACED IN YEARS, AND IT MIGHT SERVE THE WILY PREMIER'S INTEREST TO GET RID OF BURNS AT THE STATE LEVEL.

4. FOR HIS PART, BJELKE-PETERSEN HAS PUBLICLY NOTED THE EXISTING CONVENTION REGARDING REPLACEMENT SENATORS, HAS EXPRESSED APPROPRIATE CONDOLENCES TO THE WIDOW OF SENATOR MILLINER, AND HAS SAID THAT HE WILL STUDY THE MATTER CAREFULLY. BJELKE-PETERSEN IS A CLEVER AND ACCOMPLISHED POLITICAL TACTICIAN AND CAN BE EXPECTED TO CONSIDER THE POSSIBILITIES CAREFULLY.  
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